

REMARKS

Reconsideration and allowance of the above identified patent application are hereby requested. Claims 1-18 and 27-33 are now in the application with claims 1, 18, and 27 being independent. Claims 1, 3, 4, 6, 7, 10-12, and 18 have been amended. Claims 27-33 have been added. No new matter has been added. Claims 19-26 were previously canceled. The Office's rejections are respectfully traversed.

Rejection Under 35 U.S.C. §103

Claims 1, 4-6, 8-10, 13, 14, 16, and 17 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,351,523 to Detlef in view of U.S. Patent No. 6,222,909 to Qua et al. Further, claims 2 and 18 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Detlef and Qua in view of U.S. Patent Application Publication No. 2001/0034225 to Gupte et al. Claim 3 also stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Detlef and Qua in view of U.S. Patent No. 6,205,342 to Oakes et al. Additionally, claims 7, 11, and 12 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Detlef and Qua in view of U.S. Patent Application Publication No. 2002/0016174 to Gibson et al. The Office's contentions are respectfully traversed.

As amended, claim 1 recites (emphasis added) "...communicatively connecting to a first server over the wireless communications network; receiving input from the user selecting an option presented by the first server to send the audio file to the email recipient; communicatively connecting the wireless communication device to a second server over the wireless

communications network in response to the selected option, wherein the first server transmits a signal to the second server indicating a pending connection with the wireless communication device, the signal including information identifying the wireless communication device; recording the audio file on the second server; and sending the recorded audio file to the email recipient as part of an email message.”

Thus, the method recited in claim 1 includes transmitting, by the first server, a signal to the second server indicating a pending connection with the wireless communication device. Further, the signal transmitted from the first server to the second server includes information identifying the wireless communication device. Detlef and Qua et al., taken separately or in combination, fail to disclose the claimed subject matter.

The Office (Action of October 5, 2007 at page 5) asserts that Detlef discloses (emphasis added)...

Communicatively connecting the wireless device to a second server over the wireless communications network, wherein the first server transmits a signal to the second server (i.e., voicemail server; Figure 1-item 44) indicating a pending connection with the wireless communication device (i.e. EM-to-VM gateway connection to voicemail server; column 4, lines 50-60);

Thus, the Office appears to assert that the claimed pending connection between the wireless communication device and the second server is disclosed in Detlef by the EM-to-VM gateway connection to a voicemail server. This assertion is incorrect. First, the EM-to-VM gateway is not a wireless communication device. To the contrary, Detlef (FIG. 1) discloses that the EM-to-VM gateway is located in an email server. Further, Detlef (Col. 4, lines 50-54) discloses that

(emphasis added) “Special purpose EMail-to-voicemail gateway 38 allows Email messages, with attached voice data files, to be specially processed....” Accordingly, the EM-to-VM gateway is not equivalent to the wireless communication device recited in claim 1.

Second, the EM-to-VM gateway is not the claimed first server that receives input from the user selecting an option to send an audio file to the email recipient. Rather, Detlef (FIG. 1) teaches that the EM-to-VM gateway (38) receives email messages over the Internet (32) via an ISP (34). For example, Detlef (Col. 4, lines 40-49) discloses (emphasis added)...

System 20 is connected to a public switched telephone network (PSTN) 28, which is connected, possibly through an internet service provider (ISP) 30, to a world-wide communications network known as the internet 32. Internet 32 connects to a receiving ISP 34, which provides service to an EMail server 36, probably located at a business location. EMail server 36 includes therein an EMail-to-voicemail gateway 38, which distinguishes conventional EMail messages from those messages generated by device 12 which are intended, ultimately, to reach a recipient's voicemail box.

Thus, the EM-to-VM gateway also does not transmit a signal to the second server indicating a pending connection with the wireless communication device. The EM-to-VM gateway further does not transmit a signal to the second server including information identifying the wireless communication device. To the contrary, Detlef teaches that the EM-to-VM gateway distinguishes conventional messages from those to be processed and delivered to a voicemail box.

Further, Detlef does not teach that a wireless communication device connects to the second server, which the Office identifies as the voicemail server. To the contrary, Detlef (Col.

4, lines 50-60) teaches that the voicemail server is located at the receiving portion of the system and receives a voice stream that corresponds to the voice data file separated from an electronic mail message. Detlef (*Id.*) also teaches that the voicemail server passes the voice stream to a private branch exchange ("PBX").

Because Detlef does not teach that a wireless communication device connects to the voicemail server, Detlef also does not disclose that a first server sends a signal to the voicemail server indicating a pending connection with a wireless communication device. Accordingly, Detlef fails to disclose that the first server transmits a signal to the second server indicating a pending connection with the wireless communication device, the signal including information identifying the wireless communication device, as recited in claim 1.

Qua et al. also fail to disclose that a first server transmits a signal to the second server indicating a pending connection with the wireless communication device, the signal including information identifying the wireless communication device, as recited in claim 1. For example, claim 1 recites that the audio file is recorded on the second server. Qua et al. do not, however, disclose that the audio note taking mechanism on which the audio file is recorded, receives a signal from a first server indicating a pending connection with a wireless communications device. To the contrary, Qua et al. (Col. 4, lines 11-25) disclose recording an audio note by activating the audio note taking mechanism directly from the communication device during a telephone conversation.

Moreover, Gupte et al., Oakes et al., and Gibson et al. fail to cure the deficiencies of Detlef and Qua et al. For example, Gupte et al. teach connecting a wireless communication

device to a server to receive audio email. Oakes et al. teach composing text messages using a wireless electronic device. Gibson et al. teach selectively establishing communication from a communication device across a telephone network and a computer network. None of Gupte et al., Oakes et al., or Gibson et al., however, teach that a first server transmits a signal to a second server indicating a pending connection with the wireless communication device, the signal including information identifying the wireless communication device, as recited in claim 1.

For at least these reasons, claim 1 is allowable over the proposed combination of Detlef and Qua et al. Claims 2-17 depend from claim 1 and are allowable for at least the reasons discussed with respect to claim 1.

Further, claims 18 and 27 include subject matter similar to claim 1. For example, claim 18 recites (emphasis added) "...communicatively connecting the wireless communication device to an interactive voice response server over the wireless communication network in response to the selected option, wherein the email server transmits a signal to the interactive voice response server indicating a pending connection with the wireless communication device, the signal including information identifying the wireless communication device;..." As discussed above, neither Detlef nor Qua et al. teach that an e-mail server transmits a signal to an interactive voice response server indicating a pending connection and identifying a wireless communication device, as recited in claim 18. To the contrary, Qua et al. teach that the audio note taking mechanism contacts an electronic mail server only after an audio note has been recorded. Further, Detlef does not teach that a wireless communication device connects with an interactive voice response server.

Also, claim 27 recites (emphasis added) "...instructing the wireless communication device to connect to a voice server; transmitting a signal to the voice server indicating a pending connection with the wireless communication device, wherein the signal includes information uniquely identifying the wireless communication device;..." As discussed above, neither Detlef nor Qua et al. teach transmitting a signal to the voice server indicating a pending connection with a wireless communication device that includes information uniquely identifying the wireless communication device. For at least these reasons, claims 18 and 27 also are allowable over the proposed combination of Detlef and Qua et al. Further, claims 28-33 depend from claim 27 and thus are allowable based at least on claim 27.

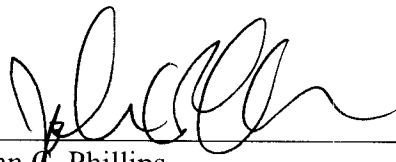
Concluding Comments

The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the above arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

In view of the above remarks, claims 1-18 and 27-33 are in condition for allowance, and a formal notice of allowance is respectfully requested. Please apply a \$460 fee for a two-month extension and any other applicable charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 3/4/00



John C. Phillips
Reg. No. 35,322

Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099